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Attorneys for Defendants

6  
7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 GAYLE JONES,

10 Plaintiff,

11 v.

12 JAMES BRANDENBURG, individually;  
MERCER TRANSPORTATION CO., INC., a  
13 foreign corporation; DOES I-X; and ROE  
CORPORATIONS INC.,

14 Defendants.  
15

CASE NO: 2:19-cv-02154-JAD-VCF

**Stipulation and Order Dismissing  
Negligent-Entrustment Claim**

ECF No. 26

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17  
18 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff GAYLE  
19 JONES and Defendants JAMES BRANDENBURG and MERCER TRANSPORTATION CO.,  
20 INC., (hereinafter collectively referred to as Defendants), by and through their respective counsel  
21 of record as follows:

22 ...

23 ...

24 ...

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- 1) Defendants represent that Defendant JAMES BRANDENBURG was acting within the course and scope of his lease-operator agreement with Defendant MERCER TRANSPORTATION CO., INC. at all times relevant to the events described in Plaintiff's Complaint filed November 25, 2019 in the Eighth Judicial District Court for Clark County, Nevada, Case No. A-19-806022-C ("Plaintiff's Complaint"), which was subsequently removed to this Court by Defendants on December 16, 2019.
- 2) Defendants further agree that Defendant MERCER TRANSPORTATION CO., INC. is vicariously liable for the alleged acts, omissions and conduct of Defendant JAMES BRANDENBURG as it pertains to the events described in Plaintiff's Complaint. Such alleged liability, if any, is covered by Chubb Insurance Policy No. MMT H25157266.
- 3) IT IS HEREBY STIPULATED AND AGREED, based on the foregoing representations, that Plaintiff's claim against Defendants for negligent entrustment is hereby DISMISSED WITH PREJUDICE, the parties to bear their own fees and costs.
- 4) IT IS HEREBY STIPULATED AND AGREED that this Stipulation and Order does not resolve Plaintiff's negligence claim in this matter.

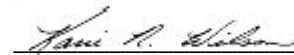
DATED this 28<sup>th</sup> day of June, 2021

DATED this 28<sup>th</sup> day of June, 2021

THE PAUL POWELL LAW FIRM

ALVERSON TAYLOR & SANDERS

/s/ Tom Stewart



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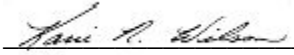
ORDER

Based on the parties' stipulation [ECF No. 26] and good cause appearing, IT IS HEREBY ORDERED that the plaintiff's negligent-entrustment claim is DISMISSED with prejudice, each side to bear its own fees and costs.

  
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U.S. District Judge Jennifer A. Dorsey  
Dated: July 30, 2021

Respectfully submitted by:

ALVERSON TAYLOR & SANDERS

  
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